

# Small Biz

Volume 3 Issue 1

Spring 99

## Small Business Compliance Advisory Panel

*By George Siefert, New CAP Chairperson*

The Federal Clean Air Act of 1990 significantly revised environmental regulations. In addition to imposing stringent new requirements, this legislation also required the States to create advisory panels to help small business understand and comply with the regulations. As a result, the New Jersey Compliance Advisory Panel (CAP) was established. This panel consists of representatives of small businesses and the general public. The members are appointed by the Governor (2 members), the Senate President, Assembly Speaker, the Senate Minority Leader, the Assembly Minority Member, and the DEP Commissioner (1 member each.) The CAP had its first meeting on January 10, 1997.

As a new panel, the group had no "game plan" to rely on; however, we were motivated by the same objective -- to protect the environment, while protecting the ability of small business to remain competitive. Gene Savettiere, P.E. - Morris County was elected Chairperson, and Lisa Halpern, Esq. - Ocean County was elected Vice Chairperson. Under their guidance, the panel developed a Mission Statement that reflects the common motivation of the CAP members.

Turning a paper mission statement into an action plan was the next task. Recognizing that small businesses are diverse, the panel identified the types of businesses that would be most affected by the new regulations. The panel then issued a survey to representative trade associations. After collecting the survey data, trade associations representing dry cleaners, printing shops, auto body shops, plastic manufacturers, auto dealers and metal finishing shops were invited to speak to the CAP to provide more details regarding their issues of concern.

These discussions were held over a series of CAP meetings and have highlighted some significant industry concerns. The concerns ranged from air pollution from western states to permit issues to complaints of DEP employee rudeness. While the CAP has limited resources and can do little to affect emissions from other states, it can make the DEP aware of industry concerns - and we have. All of the trade associations involved in the process appreciated the opportunity to be heard and felt that this was an effective mechanism for providing input to DEP. In fact, the CAP has been so effective in serving small businesses that other states are modeling their CAP after New Jersey's.

The CAP is continuing to serve New Jersey small businesses. The trade associations identified additional concerns: the regulations and applications are too complex, and there are

duplicate fees and enforcement mechanisms. In response to these concerns, the CAP and DEP have worked to let businesses know that help is available. The DEP has developed a computer-based system to complete and submit applications, issued guidance manuals for understanding what State of the Art means for specific industries, and continues to eliminate red tape. In the near future, the DEP and CAP will visit with additional industry representatives to continue to identify and break down barriers to help New Jersey small businesses succeed.

*Editor's NOTE: The CAP elected George Siefert as new Chairperson and Robert Santo as the new Co-Chairperson at its February 4, 1999 meeting.*

## Subchapter 8 Is Being Revised

The DEP has been reviewing and evaluating the applicability section of Subchapter 8. Several workgroup sessions have been held with DEP and interested parties, consistent with a May 1998 New Jersey Register notice. The main focus of the working sessions has been the 50-pound per hour applicability trigger (8.2 c. 19). The following have been evaluated in relation to the 50-pound per hour trigger: plastics manufacturing, woodworking, graphic arts/printing, metalworking, food processing, film and image processing, blending and mixing tanks, wood chippers, tub grinders and the mixing of soils (greenhouses).

It is anticipated that the rule will be proposed in the Spring of 1999 with adoption in the Summer of 1999.

*For copies of the current Subchapter 8, contact **the Bureau of New Source Review at (609) 633-2829**. Also check the Air Quality Permitting Program web page at [www.state.nj.us/dep/aqpp/](http://www.state.nj.us/dep/aqpp/) and the hot link to the Air Regulations page for the latest copy of Subchapter 8 and the proposed changes to Subchapter 8 once they are formally proposed in the New Jersey Register.*

***The Small Business Assistance Program has a new, toll-free phone number - (877) 753-1151.***

## New Small Business Ombudsman Named

**Mr. Lauren Moore** was named the new Small Business Ombudsman at the Commerce and Economic Growth Commission in October 1998. He has nearly 13 years of progressively responsible environmental experience and is a licensed Professional Planner.

He came to the position of Ombudsman after serving 6 years as the Director of Planning and Economic Development for Atlantic County, where his primary responsibility was to review development applications submitted to the county planning board.

Prior to working in Atlantic County, he worked as Director of Planning for the Mercer County Improvement Authority, directing the county's regional environmental programs. This included all regulatory issues for recycling and solid waste projects.

He is eager to provide small businesses with confidential assistance in environmental areas. He can be reached at **(800) 643-6090** or **CEAMOOR@commerce.state.nj.us**.

## RADIUS Update

The latest version of RADIUS (1.8) is available from the Air Quality Permitting Program (AQPP) homepage. A newer version of RADIUS (2.0) will be available later this year. **Remember that all permit applications must be made using the RADIUS system or the new RADIUS forms.**

Also, you must use the new AIMS numbering conventions and not the old APEDS data. To get this information, contact the **Bureau of New Source Review by phone at (609) 633-2829; by mail - P.O. Box 27, Trenton, NJ 08625;** or via the INTERNET at "[www.state.nj.us/dep/aqpp](http://www.state.nj.us/dep/aqpp)". Look for the listing on the AOPP homepage to do the APEDS to AIMS Numbering Conventions.

## New Jersey Chemical Industry Project Update

On October 20 and 27, the New Jersey Chemical Industry Project held two successful workshops, one in Trenton and the other in Newark. Over 150 people attended the events.

At each workshop, six specific regulations were reviewed in detail by state officials: Release and Pollution Prevention, Community Right to Know, Industrial Site Recovery Act, Air Pollution Control Act (Subchapter 8), Discharge of Petroleum and Other Hazardous Substances and Spill Compensation and Control Tax.

At the two workshops, a new Compliance Assistance Materials (CAM) notebook was released in hard copy and also demonstrated on the Internet. The CAM covers the six previously described regulations with flow charts and accompanying narrative. Many other helpful materials are found in the CAM, including a summary of each environmental regulation, a list of contacts, resource list, glossary of acronyms, and other helpful materials.

To obtain a copy of the CAM, contact DEP's Small Business Assistance Program at (609) 292-3600 or the Office of Compliance Assistance at (609) 633-0727. You can download it from

[www.state.nj.us/dep/enforcement/home.htm](http://www.state.nj.us/dep/enforcement/home.htm).

The New Jersey Business and Industry Association (NJBIA) and New Jersey Chemical Industry Council (NJCIC) have agreed to continue this project with DEP, since the United States Environmental Protection Agency (USEPA) will no longer be sponsoring the project. If you are interested in serving as an industry representative on the workgroup for this project, please contact the **NJBIA at (609) 393-7707 (Jim Sinclair)** or **NJCIC at (609) 392-4214 (Scot Mackey)**.

## How's Your UST?

Are you in compliance with the new Federal standards for underground storage tanks? The December 22, 1998 deadline has passed. DEP's Bureau of Underground Storage Tanks (BUST) has information available on its INTERNET page to help you if you have not yet complied, including information on financing. The page is [www.state.nj.us/dep/srp/bust/bust.htm](http://www.state.nj.us/dep/srp/bust/bust.htm). You can also reach **BUST by calling (609) 292-8761**.

## Alert to Auto Body Shops

Do you operate an auto body shop with a **spray booth**? Do you have an air permit for the spray booth? Did you know that you **might not need an air permit** for that spray booth any more?

When Subchapter 8 was revised, the category that required air permits for spray booths was removed. Now the applicable requirement for spray booths is using 1/2 gallon or more of coating as applied per hour. So if you have an air permit under the old criteria and meet the new exemption, you don't have to renew the air permit. To ensure that you are in compliance, you should maintain a log showing the use of less than 1/2 a gallon per hour of coating.

If you have a **gas or oil fired oven/heat device to cure the coatings**, check to see if the device is below 1 million BTUs per hour. If the device **equals or exceeds 1 million BTUs per hour**, then it will still **require an air permit**.

## **EPA Grant to SBAP**

The Small Business Assistance Program (SBAP) has received a grant from EPA Region II for \$15,000, which has funded the establishment of an exclusive toll-free hotline for inquiries. The SBAP will also develop and hold a series of workshops in the late spring/summer/fall of 1999, which will cover the following areas: plastics manufacturing; dry cleaners; printers/graphic arts; and auto dealers and auto body repairs.

The SBAP will plan and cosponsor the workshops in conjunction with the appropriate trade association(s). The SBAP will develop industry sector specific materials for distribution at each workshop.

The SBAP will also distribute evaluation sheets at the workshop and send out follow up evaluation sheets to a random sample of participants. These will be used to determine the effectiveness of the workshop and materials and to see how the participants are using the information to improve their operations and the environment. This information will be kept confidential.

***The new SBAP toll-free, confidential hotline is  
(877) 753-1151.***

## **Did You Know?**

The EPA Ombudsman's Office just published a booklet in January 1999 entitled, "Publications for Small Businesses." This booklet lists 300+ documents available from EPA on such topics/issues as: small businesses, waste, underground storage tanks, Superfund, toxic substances, clean water and air, radiation, Right-to-Know, and pest/weed control chemicals. The booklet and materials are **free**. A copy of the booklet can be obtained by calling the EPA Ombudsman office at (800) 368-5888 or downloaded from <http://www.epa.gov/sbo/pubs.htm>.

The EPA Ombudsman's Office also publishes a newsletter that provides updates on what EPA is doing and the various materials available. To receive a copy of the January 1999 newsletter or to get on the mailing list, call (800) 368-5888.

## **DEP'S First Annual International Environmental Technology Expo**

By Marybeth Brenner

DEP Office of Innovative Technology & Market Development

On April 20 and 21, 1999, the New Jersey Department of Environmental Protection (NJDEP) sponsored

its first annual International Environmental Technology Expo in Atlantic City, NJ.

The event focused on the growing use of environmental technologies to help government and business and industry solve environmental problems and the growing need to quickly share this information with our partners in other communities, states and countries. With such tools as Geographic Information Systems (GIS) and databases, access to environmental technology information is expanding and, through the development of partnerships, we can make the most efficient use of environmental information.

This conference and exposition was a partnership effort with the Environmental Council of States (ECOS), the Interstate Technology and Regulatory Cooperative Workgroup (ITRC), the New Jersey Corporation for Advanced Technology (NJCAT) and the US Environmental Protection Agency (EPA). Through this conference we hope to establish new partnerships which will help us promote the use and deployment of environmental technologies.

The program was designed to bring together representatives from across the country and the world to address such topics as innovative environmental technologies, brownfields cleanup using innovative treatment technologies, technology verification/certification, electronic data exchange and partnering. Through panel discussions, presentations, workshops, exhibits and technology demonstrations, DEP provided an opportunity to share information, showcase technologies and identify new technology needs in the United States and internationally. Additionally, the ITRC sponsored workshops on both days of the conference to provide training in many remediation technology areas. These workshops were available to all conference attendees.

Nearly 600 attendees participated, including Governor Whitman and Commissioner Shinn, representatives of Germany and Canada, and the environmental commissioners of Pennsylvania and Massachusetts. Governor Whitman praised the department for its public service.

## **Hazardous Waste Welcome Wagon (RCRA/Hazardous Waste Enforcement Compliance Assistance Program)**

by Wolf Skacel

Bureau of Hazardous Waste Compliance & Enforcement

In April of 1995, the Bureau of Hazardous Waste Compliance and Enforcement initiated a new pilot compliance assistance program known as "Welcome Wagon Initiative." The program targeted new notifiers of hazardous waste activity and provided on-site compliance assistance from one of the bureau's enforcement inspectors. Since that time, the pilot has been adopted as a permanent compliance assistance program offered by the bureau.

The program works this way:

- (1) Each week a list of newly issued EPA ID numbers is created by USEPA Region II and downloaded electronically by the Bureau of Hazardous Waste Compliance & Enforcement from EPA's RCRIS database.
- (2) The USEPA list provides a hazardous waste handler's EPA ID number, company name and address, facility representative's name and phone number, as well as an estimate as to the quantity of hazardous waste to be generated. A hazardous waste handler could be a generator, transporter, treatment/storage/disposal (TSD) facility or combination thereof. Transporters, TSD facilities, and large and small generators of hazardous waste are assigned to a bureau inspector for compliance assistance visits.
- (3) A Bureau of Hazardous Waste Compliance & Enforcement inspector will attempt to contact a company appearing on the list to make an appointment and/or visit the facility to meet with the facility representative identified in (2) above.
- (4) During the on-site visit, the bureau inspector provides the facility representative with a package of information that has been assembled to aid the representative in complying with State and Federal hazardous waste regulations. This information includes a copy of relevant portions of the hazardous waste regulations and associated guidance, information concerning waste minimization, a sample weekly inspection log, a sample manifest tracking log, and satellite accumulation guidance. A listing of departmental phone numbers that the handler can use to obtain additional information and/or permits as well as other information are also provided.
- (5) As part of the visit, the bureau inspector with the facility representative conducts a tour of the facility and its operations. Waste management practices are discussed and opportunities for waste minimization and potential problems with other media programs are identified. The tour includes a cursory review of the facility's manifests and other documentation. Areas of non-compliance are identified informally, with the facility given an opportunity to correct the non-compliance.
- (6) Should the tour identify a need for additional information that is not available to the inspector at the time of the tour, the

information is subsequently mailed to the facility representative.

- (7) Compliance assistance visits have taken anywhere from 15 minutes to two hours depending on the size of the facility, nature of its operations or the number of questions received from the facility representative.
- (8) Prior to leaving the facility, the facility representative is given the inspector's business card and urged to contact the inspector anytime the representative has any additional questions or needs assistance.

### ***Results of Compliance Assistance Activity***

NJDEP generally follows a 3 to 5 year inspection cycle of generators and does not revisit these handlers in the interim unless a complaint is received. Since the inception of the Bureau of Hazardous Waste Compliance & Enforcement's compliance assistance program in April of 1995, a total of 736 compliance assistance visits have been conducted. Of these, 22 hazardous waste generators have subsequently received a compliance evaluation inspection to assess compliance with State and Federal hazardous waste regulations. Seven or 32 percent of these facilities received notices of violation (NOVs). During this same time period, 50 percent of those generators inspected who had not received a compliance assistance visit were issued NOVs.

Although there have been only a limited number of compliance evaluation inspections conducted at facilities that have received compliance assistance visits, the results are encouraging. The Bureau of Hazardous Waste Compliance & Enforcement continues to explore means of increasing the number of facilities receiving compliance assistance, improving the quality of compliance assistance materials provided and enhancing the compliance rate among the facilities it regulates.

## **EPA Compliance Assistance Centers**

### **Printers National Environmental Assistance Center**

(888) USPNEAC (877-6322)

<http://www.pneac.org>

### **National Metal Finishing Resource**

(800) AT-NMFRC (286-6372)

<http://www.nmfrc.org>

### **National Agriculture Compliance Assistance Center**

(888) 663-2155

<http://www.epa.gov/oeca/ag>

### **ChemAlliance**

(800) 672-6048

<http://www.chemalliance.org>

**Transportation Environmental Resource Center**  
(888) 459-0656  
<http://www.transource.org>

**Paint and Coatings Resource Center**  
<http://www.paintcenter.org>

**Local Government Environmental Assistance Network**  
(877) TO-LGEAN (877) 865-4326  
<http://www.lgean.org>

**Printed Wiring Board Resource Center**  
<http://www.pwbrc.org>

**CCAR-GreenLink (Automotive)**  
(888) GRN-LINK (476-5465)  
<http://www.ccar-greenlink.org>

**Environmental Compliance Assistance Center**  
<http://www.hazmat.frcc.cccoes.edu/homepage.htm>

**EPA Home Page**  
<http://www.epa.gov/>

**DEP Home Page**  
<http://www.state.nj.us/dep/>

**NJ Chemical Industry Project Compliance Assistance Materials**  
<http://www.state.nj.us/dep/enforcement/home.htm>

**NJ Business Resource Center**  
<http://www.njbrc.com>

## **Other Important Links**

**EPA Small Business Gateway**  
<http://www.epa.gov/smallbusiness/>

**EPA Small Business Ombudsman**  
<http://www.epa.gov/sbo/>

**EPA Small Business Assistance Program**  
<http://www.epa.gov/ttn/sbap>

**NJ Small Business Development Centers**  
<http://www.state.nj.us/commerce/swmb/sbdc.htm>

**NJ Small Business Ombudsman**  
<http://www.state.nj.us/commerce/caasbo.htm>

**NJ Small Business Assistance Program**  
<http://www.state.nj.us/dep/opppc/sbap.htm>

**NJ Technical Assistance Program**  
<http://www.njit.edu/njtap/index.htm>

**Solvent Alternatives Guide (SAGE)**  
<http://www.clean.rti.org/>

**Coating Alternatives Guide (CAGE)**  
<http://www.cage.rti.org/>

**US Small Business Administration- NJ Office**  
<http://www.sba.gov/regions/state/nj/>

**EPA Region II**  
<http://www.epa.gov/region2/>

## **Confidential Contacts**

For more information or suggestions, please feel free to contact:

### **Ombudsman's Office**

**Mr. Lauren Moore**  
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### **SBAP**

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